

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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IBM CORPORATION,

Plaintiff,

v.

MICRO FOCUS (US), INC.,

Defendant.

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Civil Action No. 22-cv-9910

**NOTICE OF MOTION TO  
DISMISS PLAINTIFF'S  
FIRST AMENDED  
COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Defendant Micro Focus (US), Inc. ("Micro Focus"), through its attorneys, will move this Honorable Court at the United States Courthouse, 300 Quarropas St., Room 630, White Plains, NY 10601, on such a date and time as the Court sets, for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing the First Amended Complaint with prejudice, together with all other further relief that this Court deems just and proper.

In the alternative, Micro Focus moves pursuant to Federal Rule of Civil Procedure 12(e) for a more definite statement regarding facts necessary for Micro Focus to be able to reasonably prepare its response.

Respectfully submitted,

Dated: January 27, 2023

/s/Marcella Ballard  
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*\*Admitted Pro Hac Vice*

*Attorneys for Micro Focus (US), Inc.*

**CERTIFICATE OF SERVICE**

I certify that on January 27, 2023, a true and correct copy of the foregoing Defendant's Motion to Dismiss and all documents accompanying and supporting said motion were filed with the Clerk of Court for the U.S. District Court for the Southern District of New York using the electronic case filing ("ECF") system, which will send a notice of electronic filing concerning the same to Plaintiff's counsel of record.

/s/Marcella Ballard